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Attorneys for Defendant

ROWLAND MARCUS ANDRADE

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Plaintiffs,

v.

ROWLAND MARCUS ANDRADE,

Defendants.

Case No. 3:20-CR-00249-RS-LBx

**DEFENDANT ROWLAND MARCUS  
ANDRADE'S MOTION TO REMOVE  
INCORRECTLY FILED DOCUMENT  
FROM THE DOCKET AND [PROPOSED]  
ORDER**

Hon. Laurel Beeler, Magistrate Judge

1 Defendant Rowland Marcus Andrade makes this application for the purpose of seeking to  
 2 remove Docket # 115, Defendant's Motion to Compel Discovery, and its attachments, which  
 3 were filed on November 23, 2022. The filing should be removed because certain documentary  
 4 exhibits in support of the motion that were intended to be filed under seal were inadvertently  
 5 included in the public filing. See attached Declaration of Kerrie C. Dent in Support of Motion to  
 6 Remove Incorrectly Filed Document from the Docket ("Dent Decl."), ¶ 4.

7 Counsel for Defendant immediately took steps to remedy the November 23 filing error,  
 8 first by notifying the Government of the error and informing the Government that a corrected  
 9 filing would be filed promptly. The Government's attorneys agreed to refrain from reviewing  
 10 that document, and to destroy any copies. Dent Decl., ¶ 5.

11 Despite the unavailability of most court personnel over the Thanksgiving holiday  
 12 weekend, counsel was able to reach a member of the court staff, who was able to lock-down the  
 13 document; that is, to remove the filing from public view. Dent Decl., ¶ 5.

14 On November 28, 2022, defense counsel re-filed Defendant's Motion to Compel  
 15 Discovery, with attachments. Dent Decl., ¶ 6. As the correct version of the pleading is now on  
 16 file, counsel for Mr. Andrade respectfully requests that the incorrect pleading, Docket # 115,  
 17 which inadvertently included the public filing of exhibits intended to be filed under seal, be  
 18 permanently deleted from the record of this case by removing it from the court's docket.

19 If the Court does not grant this motion in full, then defense counsel requests an  
 20 opportunity to be heard and to provide additional information.

21 RESPECTFULLY SUBMITTED,

22 DATED: November 30, 2022

23 KING & SPALDING LLP

24 By: /s/ Michael J. Shepard  
 25 MICHAEL J. SHEPARD  
 26 KERRIE C. DENT (*Pro Hac Vice*)

27 Attorneys for Defendant  
 28 ROWLAND MARCUS ANDRADE

**[PROPOSED] ORDER**

Upon the motion of Defendant Rowland Marcus Andrade, and good cause appearing, IT IS HEREBY ORDERED THAT the Clerk of the Court remove Docket # 115, Defendant's Motion to Compel Discovery and Attachments 1 through 3, from the Court's ECF / PACER filing systems, as requested by Defendant.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
HON. LAUREL BEELER  
United States Magistrate Judge